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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,761	04/10/2001	Thomas E. Chefelas	YOR920010015US1	9588
35526	7590	11/15/2005	EXAMINER	
DUKE, W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			SONG, HOSUK	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/829,761	CHEFALAS ET AL.
	<b>Examiner</b> Hosuk Song	<b>Art Unit</b> 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 9/14/05.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 2-4,10-12,16,17,20-22,26,27,30-32,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-4,10-12,16-17,20-22,26-27,30-32,36-37 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-4,10-12,16-17,20-22,26-27,30-32,36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al.(US 5,440,723) in view of Touboul(US 6,658,465).

Claims 10,20,30: Arnold disclose receiving at a bait server a request to perform a function on the bait server and identifying an offending system which the request originated in (col.25,lines 58-68 and col.26,lines 1-2). Arnold discloses alerting a local server that a virus is in progress and of the identity of the offending system in (col.2,lines 66-68 and col.24,lines 31-42).

Arnold does not specifically disclose disconnecting the offending system from the network.

Touboul's patent discloses disconnecting the offending system from the network in (col.5,lines 60-64). It would have been obvious to person of ordinary skill in the art at the time invention was made to disconnect offending system from the network as taught in Touboul with security system of Arnold in order to completely isolate offending system from attacks,spreading virus within the network.

Claims 2-4: Arnold discloses not publishing the bait server's address to the network in (col.1,lines 66-7).

Claims 16,26,36:Arnold disclose monitoring the network for the presence of a computer virus in (col.4,lines 60-68;col.5,line 1). Arnold discloses not publishing the bait server's address to the network in (col.1,lines 66-7). Arnold discloses alerting a local server that a virus is in progress and of the identity of the offending system in (col.2,lines 66-68 and col.24,lines 31-42). Arnold does not specifically disclose disconnecting the offending system from the network. Touboul's patent discloses disconnecting the

offending system from the network in (col.5,lines 60-64). It would have been obvious to person of ordinary skill in the art at the time invention was made to disconnect offending system from the network as taught in Touboul with security system of Arnold in order to completely isolate offending system from attacks, spreading virus within the network. Further, directing all devices to ignore a communication requests from offending system would have been obvious in order to stop any virus from entering the network.

Claims 11-12,17,21,22,27,31,32,37: Neither Arnold nor Touboul specifically disclose prior to disconnecting the offending system, notifying the offending system that it is infected with a virus. Examiner takes Official notice that notifying the offending system that it is infected with a virus prior to disconnecting the system is well known in the art. One of ordinary skill in the art would have been motivated to notify the offending system that it is infected with a virus prior to disconnection in order for offending system to disinfect its system before any connection attempt is made thus preventing any virus spread within the network and allows the system to run virus free.

*Response to Applicant's Arguments*

2. The previous grounds of rejection based on the Conklin patent is withdrawn in view of Applicant's arguments in the Amendment filed on 9/14/05. However, newly discovered prior art has necessitated new grounds of rejection. The new grounds of rejection are presented above.

*USPTO Contact Information*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HS



Hosuk Song  
Primary Examiner  
Art Unit 2135